

Review of the Judicial Qualifications Commission

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**The Florida House of Representatives
Marco Rubio, Speaker**

**Safety & Security Council
Dick Kravitz, Chair**

**Courts Committee
Dennis Ross, Chair**

Review of the Business Practices of the Florida Judicial Qualifications Commission

Executive Summary

The Judicial Qualifications Commission has the constitutional right and duty to recommend discipline of Florida judges. The current makeup of the JQC, and its operations, could be improved. Compared to other states, Florida's judicial discipline is slow and expensive. It is recommended that the JQC:

- Minimize costs for outside counsel by employing additional full-time prosecutorial staff.
- Implement cost controls and better supervision of outside contractors.
- Utilize local private investigators rather than a single private investigator who travels throughout the state.
- Amend its rules to allow one member of JQC to rule on procedural motions.
- Create a website and a complaint form.
- Produce annual reports.

The Legislature may wish to consider:

- Legislation clarifying that the JQC is a fiscal entity separate from the court.
- A constitutional amendment providing for deadlines and an administrative judge who can expedite cases.

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Introduction

Historically, judicial discipline was conducted in three different forums: The Constitution provided impeachment by the Legislature. The judiciary had an informal process whereby older jurists mentored judges and exerted peer pressure over wayward judges. The electorate could refuse to re-elect a wayward judge.

As the state grew, the Legislature saw the need for a body that could not only better manage the difficult removal cases but could also provide for discipline of judges that is less than removal and more than simple peer pressure. In 1966, the state constitution was amended to create the Judicial Qualifications Commission (JQC) as an additional means for judicial discipline.¹

The Legislature has a responsibility to the taxpayers of Florida to ensure that the funding they allocate to the JQC is being expended in a manner that is the most economically efficient and cost-effective. In addition, the JQC has a responsibility to the Legislature and to Florida's taxpayers to instill best management practices so that the tax dollars the JQC receives are not used unwisely.

The purpose of this report is to examine the operations and spending of the JQC to help the Legislature determine if the JQC is using its appropriations in a manner that is the most economically efficient and cost-effective. This report will provide a fiscal analysis of the business practices and procedures implemented by the JQC in carrying out its constitutional duties, and provide recommendations on how the JQC can perform its duties in more economically efficient and cost-effective ways.

The Judicial Qualifications Commission

Article V, section 12(a)(1) of the Florida Constitution grants the JQC the power to "investigate and recommend to the Supreme Court of Florida the removal from office of any justice or judge whose conduct demonstrates a present unfitness to hold office."² This section of the constitution also grants the JQC the authority to "investigate and recommend the discipline of a justice or judge whose conduct warrants such discipline."³ The JQC can recommend that a justice or judge against whom a complaint has been filed be disciplined by either public or private reprimand, fine, suspension with or without pay, or lawyer discipline.⁴ "Lawyer discipline is available so that the Supreme Court may determine whether the misconduct rises to the level which would require Florida Bar disciplinary sanctions."⁵ The purpose of judicial disciplinary proceedings is not to inflict punishment, but to determine whether one who exercises judicial power is unfit to hold a judgeship.⁶

The JQC consists of fifteen members who serve without pay. Membership consists of:

¹ 1965 CS/SJR 485, adopted in election of November 8, 1966. A full text of the current constitutional provisions is at Appendix A, and the statutory law related to the JQC is at Appendix B.

² Article V, § 12(a)(1), Florida Constitution.

³ Id.

⁴ Id.

⁵ Hon. James R. Wolf, *Judicial Discipline in Florida: The Cost of Misconduct*, 30 NovaL.Rev. 349, 354 (2006).

⁶ *In re McMillan*, 797 So.2d 560 (Fla. 2001).

- Two district court of appeal judges selected by the judges of those courts, two circuit judges selected by the judges of the circuit courts, and two judges of county courts selected by the judges of those courts;⁷
- Four electors who reside in the state, who are members of the Florida Bar, and who are chosen by the governing body of the Florida Bar;⁸ and
- Five electors who reside in the state, who have never held judicial office or been members of the Florida Bar, and who are appointed by the governor.⁹

The JQC currently employs four staff members that assist in the judicial disciplinary process. The authorized staff positions consist of an executive director, assistant general counsel, and three administrative assistants.¹⁰

JQC budgets for the previous five years can be found in Appendix D. Additional specific information regarding certain budget categories is in the Recommendations section of this report.

Overview of the JQC's Disciplinary Process

The current judicial disciplinary process in Florida begins with the filing of a complaint by an individual. However, the JQC can also begin investigating a judge on its own initiative. A complaint can be filed as a letter to the JQC's office in Tallahassee outlining the alleged misconduct of the judge. No form is required, and complaints cannot be filed with the Florida Supreme Court, only with the JQC.

The JQC is divided into two panels, an "investigative panel" and a "hearing panel."¹¹ When a complaint is received by the JQC, the disciplinary process begins with the initial investigation by the investigative panel. The investigative panel investigates complaints and determines whether a complaint is valid and either dismisses the complaint, or upon a vote of a simple majority of the panel, submits formal charges to the hearing panel.¹² During the initial investigation, the Constitution provides that all JQC complaints, investigations, and proceedings are confidential.¹³

When the investigative panel votes to submit formal charges to the hearing panel, the hearing panel then receives and hears the formal charges from the investigative panel. The hearing panel then holds hearings where the judge can argue his or her case against any disciplinary action. Upon a two-thirds vote, the hearing panel may recommend to the Supreme Court the removal of a justice or judge or the involuntary retirement of a justice or judge for any permanent disability that seriously interferes with the performance of judicial duties.¹⁴ Upon a simple majority vote of the membership of the hearing panel, the panel may recommend to the Supreme Court that the justice or judge be subject to appropriate discipline.¹⁵

After the JQC votes in favor of an appropriate discipline, the Supreme Court receives the recommendation from the JQC's hearing panel.¹⁶ The ultimate power and responsibility in making a determination to discipline a judge rests with the Supreme Court.¹⁷ All recommendations from the JQC to the

⁷ Article V, § 12(a)(1)a, Florida Constitution.

⁸ Article V, § 12(a)(1)b, Florida Constitution.

⁹ Article V, § 12(a)(1)c, Florida Constitution.

¹⁰ One administrative assistant position is currently vacant.

¹¹ Article V, § 12(b), Florida Constitution.

¹² *Id.*

¹³ Article V, § 12(a)(4), Florida Constitution.

¹⁴ Article V, § 12(b), Florida Constitution.

¹⁵ *Id.*

¹⁶ Article V, § 12(c), Florida Constitution.

¹⁷ *In re Angel*, 867 So.2d 379 (Fla. 2004).

Supreme Court pursuant to the constitution must be in writing,¹⁸ and the Supreme Court must be given an adequate record or explanation by the JQC on which to base its decision to discipline or decline to discipline a judge.¹⁹ Promptly upon the filing of a recommendation from the JQC, the court shall determine whether the JQC's recommendation complies with all requirements of the constitution and the JQC's rules.²⁰ The court may accept, reject, or modify, in whole or in part, the findings, conclusions, and recommendations of the JQC.²¹ After the filing of a formal proceeding and upon request of the investigative panel, the Supreme Court may suspend the justice or judge from office, with or without compensation, pending final determination of the inquiry.²²

In judicial disciplinary proceedings, the Supreme Court must review the JQC's findings and determine whether they are established by clear and convincing evidence,²³ which requires more proof than a "preponderance of the evidence" but less than "beyond a reasonable doubt." If the findings meet this intermediate standard, then they are of persuasive force and are given great weight by the court²⁴ because the JQC is in a position to evaluate the testimony and evidence firsthand.²⁵

Upon determining that the recommendation complies with the evidentiary requirements, and unless the court otherwise directs, an order must be issued directing the justice or judge to show cause in writing why the recommended action should not be taken.²⁶ The Supreme Court has the discretion in extraordinary circumstances to act upon a recommendation by the JQC without a response to the show cause order.²⁷

The justice or judge may file a response in writing within the time set by the court in its order to show cause, and the JQC may serve a reply within 20 days from service of the response.²⁸ If requested by the JQC or by a justice or judge at the time of filing a response, the court may allow oral argument on the JQC's recommendation.²⁹ The Supreme Court may order that the justice or judge be subjected to appropriate discipline or be removed from office with termination of compensation for willful or persistent failure to perform judicial duties, or for other conduct unbecoming a member of the judiciary demonstrating a present unfitness to hold office, or be involuntarily retired for any permanent disability that seriously interferes with the performance of judicial duties.³⁰

Judicial Discipline in Other States

All 50 states in the nation have some system for disciplining their state's judges and justices. Most appear to have a judicial disciplinary body and board similar to that of Florida. However, compared to other states of similar population and demographics, Florida is the only state that does not employ full-time staff as an investigator. Compared to other states of similar population and demographics, Florida's single full-time attorney means that Florida employs considerably fewer full-time attorneys. California³¹, Texas³², New York³³,

¹⁸ Rule 2.140(a), Florida Rules of Judicial Administration

¹⁹ *Inquiry Concerning a Judge re Fletcher*, 664 So.2d 934 (Fla. 1995).

²⁰ Rule 2.140(b)(1), Florida Rules of Judicial Administration

²¹ Article V, § 12(c)(1).

²² Article V, § 12(c)(1).

²³ *In re Angel*, 867 So.2d 379 (Fla. 2004).

²⁴ *In re McMillan*, 797 So.2d 560 (Fla. 2001).

²⁵ *In re Cope*, 848 So.2d 301 (Fla. 2003).

²⁶ Rule 2.140(b)(1), Florida Rules of Judicial Administration

²⁷ *In re Shenberg*, 632 So.2d 42 (Fla. 1992).

²⁸ Rule 2.140(b)(2), Florida Rules of Judicial Administration.

²⁹ Rule 2.140(b)(3), Florida Rules of Judicial Administration.

³⁰ Article V, § 12(c)(1), Florida Constitution.

³¹ State of California Commission on Judicial Performance website; <http://cjp.ca.gov/commorg.htm>.

³² Texas State Commission on Judicial Conduct website; <http://www.scjc.state.tx.us/commstaff.pdf>.

Pennsylvania³⁴, Ohio³⁵, Michigan³⁶, Louisiana³⁷, and Massachusetts³⁸ all have their own judicial disciplinary commissions that employ at least three full-time attorneys to investigate and prosecute valid complaints. California, Texas, New York, and Pennsylvania also employ at least one full-time investigator. California employs twelve attorneys; Texas employs five attorneys; New York employs ten attorneys; and Michigan and Massachusetts both employ four full-time attorneys. Despite having more full-time employees than Florida, however, Texas and Massachusetts budget significantly less for judicial discipline than Florida.

It is important to note that some of the commissions in other states have duties that are not assigned to the Florida JQC. For instance, some of these other states assign judicial education duties in addition to disciplinary duties, which accounts for their relatively larger budget and staff level.

A chart comparing Florida to other states is attached as Appendix C.

Recommendations

Based upon this review, the committee has several recommendations for consideration by the JQC and the Legislature:

Recommendation 1 Use of Private Counsel

Until last year, the JQC outsourced all legal work associated with the litigation of complaints against judges and justices. Currently, the JQC employs one full-time attorney, and still outsources a significant amount of legal work. The JQC hires outside legal counsel from several law firms around the state for the purpose of handling the prosecution and litigation for the JQC. In the previous three years, the JQC has expended the following sums for outside attorneys:

Selected JQC Expenditures			
	FY 2004-2005	FY 2005-2006	FY 2006-2007
Attorney Hours Billed	2495.4	2765.6	1489.5
Attorney Charges	\$291,847	\$289,009.75	\$230,769.75

Currently, the JQC employs a general counsel that gives general advice and assists the investigative panel. Another attorney is employed as counsel to the hearing panel. Additional attorneys are employed as special prosecutors in specific cases. In general, special prosecutors are recommended by staff and approved by vote of the JQC. Staff of the JQC does not have a formal means for recruiting special prosecutors but have traditionally recommended an attorney for a position as a special prosecuting attorney based on an exceptional performance by an attorney in defense of a judge before the JQC. Special prosecutors sign a contract for each case for which they are employed. Currently, they are offered \$150 an hour plus costs and are limited to \$60,000 in fees in a case (400 hours).

³³ New York State Commission on Judicial Conduct website;

<http://www.scjc.state.ny.us/General%20Information/Gen%20Info%20Pages/staff.htm>

³⁴ Judicial Conduct Board of Pennsylvania 2006 Annual Report, pg. 4.

³⁵ Supreme Court of Ohio Annual Report, pg. 75.

³⁶ State of Michigan Judicial Tenure Commission website; <http://jtc.courts.mi.gov/index.htm>.

³⁷ Judiciary Commission of Louisiana Annual Report; pg 15.

³⁸ Massachusetts Commission on Judicial Conduct Annual Report, pg. 16.

It appears that Florida's JQC could function more economically efficient and cost-effective by using in-house attorneys for the investigating and prosecuting of judicial complaints instead of outsourcing these duties to private laws firms. It could be argued that this was the intent of the drafters of the constitutional provision that created the JQC. Article V, section 12 of the Florida Constitution provides that "[a]fter this section becomes effective and until adopted by rule of the commission consistent with it . . . the commission shall hire separate staff for each panel."³⁹ However, according to the Florida JQC Rules, "the Executive Director and staff will provide only ministerial or similar services to facilitate the hearing panel."⁴⁰ It does not appear to be economically efficient or cost-effective to use full-time staff in purely ministerial roles and then outsource other duties and responsibilities where qualified personnel could be implemented at seemingly lower costs.

There are several advantages to having full-time attorneys working for the JQC compared to using outside law firms. One of the biggest advantages is that the use of in-house attorneys would cost the state less in litigation costs. Many costs that are billed to the JQC by outside counsel as part of their fees for performing the duties of the JQC would not be charged by a full-time employee.⁴¹ The law firms that are hired by the JQC to prosecute judges bill the JQC for every billable hour that they work on a JQC case. This includes the time that they talk on the phone with witnesses, court clerks, and a judge's attorney, and the time spent in meetings with other members of the firm to discuss a particular case. Private attorneys are entitled to these legal fees, but in-house counsel would not be keeping track of, or charging this, to the JQC. Law firms working for the JQC also charge for copies that they make and other administrative costs that are higher than if these functions were being accomplished in a state office. Other costs that are being paid to outside law firms are fees associated with legal research. Attorneys are billing the JQC their hourly rate for time spent performing research on Westlaw and also for the fees charged for using Westlaw. The JQC paid hundreds of dollars in Westlaw charges billed by outside law firms in addition to the attorney's hourly rate for time spent. The state provides the use of Westlaw to all attorneys employed by the state at a cost of only \$38 - \$98 a month for unlimited use, and there are no hourly rates charged by in-house attorneys.

As part of litigation costs, the JQC is also paying for the time an attorney spends traveling to out-of-town depositions and hearings and also for all costs of travel. The JQC would not be charged by the hour for the time the in-house attorney spent traveling.

Because the JQC contracts outside counsel, the JQC should also be expending staff time and resources to review all the bills that they receive to ensure that the attorney fees and costs they are paying are an accurate reflection of the services provided. It appears, however, that only a cursory review is being conducted. After reviewing all the attorney fee invoices paid by the JQC in 2004, 2005, and 2006, it showed there were many instances where the JQC paid for duplicated services. There were instances where two attorneys assigned to a particular JQC case would meet and discuss the case, and both attorneys would bill the JQC for time spent at the meeting. Private purchasers of legal services generally will not pay for multiple attorney meetings. This type of duplicate billing is not being questioned by the JQC and is costing the JQC thousands of dollars in litigation costs. This would not be an issue if the JQC hired a full-time staff of attorneys to perform the necessary legal functions of the JQC.

Attorneys in private firms generally are required to bill a minimum number of hours for the year. The expectation varies between firms, but is generally around 2,000 hours a year. A full-time employee would generally be expected to work approximately 1,900 hours a year.⁴² Last year, after one full-time attorney was hired, outside contractor billings fell below 1,500 hours. It appears that one additional attorney could handle

³⁹ Article V, § 12(f)(2), Florida Constitution.

⁴⁰ Rule 2(11), Florida Judicial Qualifications Commission.

⁴¹ The House of Representative obtained all information regarding the legal fees and bills received by the JQC after requesting that the JQC provide this information. The JQC provided all invoices associated with litigation costs for the year 2004, 2005, and 2006.

⁴² 40 hours a week times 52 weeks is 2,080 hours. Of course, employees have vacation time, sick leave, and holidays. 48 weeks of 40 hours work is 1,920 hours.

most of the legal work currently done by outside counsel at a cost significantly less than the \$230,769.75 the JQC spent in FY 2006-2007.

As a caveat, it does not appear that the JQC can completely stop paying outside counsel. For instance, the JQC has consulted attorneys for matters typical to any entity but that are outside of its prosecutorial role. Like any other entity, in or out of government, the JQC will still need to occasionally consult private attorneys.⁴³ Additionally, the work levels of the JQC are not static but appear to vary considerably as the number of outstanding pending cases varies considerably. As such, employing outside counsel to supplement the work done by a new full-time attorney and on an occasional basis during peak times makes economic sense.

Recommendation 2

Review of Contractor Billings

There are numerous fee arrangements in which law firms and their clients engage. A common form of billing, and the one used by the JQC, is hourly billing. In this model, attorneys bill for each hour, or part thereof, expended on behalf of the client. Given the relatively small number of cases, and the significant differences in the effort required by cases, an hourly billing arrangement is probably the most appropriate form of compensation that should be entered into by the JQC.

There are obvious flaws in hourly billing arrangements. Hourly billing relies on the honesty and efficiency of the lawyer. The client cannot watch the lawyer, and a dishonest lawyer can easily inflate the hours charged. Fortunately, this is uncommon. More prevalent is inefficiency by the lawyer that results in excessive billing. Inefficiency can result from a number of factors, including the use of inexperienced junior attorneys that cannot work as efficiently, two or more attorneys in a firm performing the same task, and higher paid attorneys performing simple work that can be performed by less expensive paralegals and administrative staff.

The trend in the private sector is for increased control over outside counsel expenses.⁴⁴ One report states:

Gone are the days when in-house counsel send out major projects to outside counsel, pay vague bills "for services rendered," and remain uninvolved while outside counsel determine what is necessary⁴⁵

The trend is also for increased supervision over hourly billings by government entities. For instance, the Justice Administrative Commission has promulgated requirements for hourly billing by appointed counsel paid by the state.⁴⁶ Those requirements include:

- Counsel must keep contemporaneous records.
- Billing must be in tenths of an hour.
- Billing must not exceed the actual time spent.
- Attorneys should group work together to minimize time expended.

⁴³ Management of the JQC indicated to us that they have, in the past few years, employed outside counsel to consult on an employment law issue, public records issues, and a federal lawsuit filed against the JQC. Inside counsel could learn these areas of law, but it is probably more efficient for the JQC to continue to employ outside counsel for matters outside the primary function of the JQC.

⁴⁴ *In-house lawyers manage outside counsel more closely*, Daily Business Review, November 19, 2007.

⁴⁵ In-House Counsel Increasingly Hold Outside Counsel More Accountable, Using Metrics and Technology to Track Results, a report by the Association of Corporate Counsel and Serengeti Law, report on file with the committee.

⁴⁶ *Justice Administrative Commission, Policies and Procedures for Court-Appointed Counsel* (rev. 11/01/07), pages 22-27. Accessed at: http://www.justiceadmin.org/court_app_counsel/JAC%20Policies%20Procedures-11-20-07.pdf

- Time entries must specify the work done. Specifics required include the number of pages read, persons in a conversation, a description of the hearing prepared for or attended, and the purpose of the work.
- Each service should be broken out rather than lumped.
- Double billing is prohibited.
- Administrative and overhead time is not billable.

Committee staff reviewed three years worth of legal billings that were submitted to, and paid by, the JQC. Only one invoice was challenged, and that was on an obvious error.⁴⁷ Significantly, no invoices were challenged for excessive or unnecessary hours. Some of those invoices appear to be ones that likely would have been challenged if they had been submitted to another government entity or to a private corporation. For example, one attorney billed 9 hours in a single day with a one sentence explanation that was effectively "miscellaneous". Another law firm billed extensively for computer-aided legal research, even though that is generally considered firm overhead that should not be charged to a client.⁴⁸

Committee staff asked the JQC why they did not challenge billings. They replied that it was their policy not to because the contract attorneys, at \$150 per hour, were providing services at a relatively low rate.⁴⁹

Even if the JQC moves more work to in-house attorneys, they may need to continue employing outside counsel. It is recommended that the JQC act more like other entities that employ outside counsel by doing the following:

- Set a budget specific to each case.
- Require outside counsel to prepare a litigation plan that includes a litigation budget.
- Establish requirements for detail billing.
- Establish categories of hourly billing and expenses that are deemed "overhead" and not chargeable to the state.
- Audit legal invoices for compliance with the budget and billing requirements.
- Seek the assistance of the JAC, the CFO, the Auditor General, or a legal auditing firm.

Costs associated with litigation also include fees for court reporting services. These are costs that the JQC would pay whether the JQC hires outside counsel or in-house counsel. However, the JQC is not allocating funding for these services in a manner that is the most cost-efficient. The Florida Attorney General's Office contracts with one or more court reporting services, on a circuit-wide basis, on behalf of all state agencies.⁵⁰ These contracts allow state agencies to procure such services without the administrative efforts necessary to select and hire court reporting services individually. However, after reviewing the invoices of the court reporter services that were paid by the JQC, it appears that many of the court reporter services used for JQC cases were not one of the services that the Attorney General's Office had contracted with. In addition, the fees charged by these court reporter services and paid by the JQC were at a rate higher than the amount that would have been charged by a court reporting service on the Attorney General's list. It appears that the JQC has been paying more for the use of court reporters than is necessary.

⁴⁷ The attorney had entered the incorrect hourly billing rate.

⁴⁸ Years ago, computer-aided legal research was novel and was billed as an expense on the theory that it saved the client money because of the time savings. Also, at that time the standard contract with such companies was for a fairly substantial per-minute charge. Today, the Florida Bar provides members a minimal computer-assisted legal research for free, and the two major providers offer unlimited monthly use plans at a reasonable monthly rate. DMS has a state contract for agency use whereby agencies pay from \$35 to \$98 per month per attorney, based on the level of service. See

http://dms.myflorida.com/business_operations/state_purchasing/vendor_information/state_contracts_agreements_and_price_lists/state_term_contracts/computer_assisted_legal_research_services/price_sheets_description_of_plans_and_pricing

⁴⁹ By comparison, the state pays counsel for indigent criminal defendants \$75 per hour, or \$100 per hour in a death penalty case. In such cases, there are also limits on overall compensation and extensive review of bills.

⁵⁰ See <http://myfloridalegal.com/library.nsf/CourtReporter?OpenView&CollapseView&Count=99>

Recommendation 3

Use Regional Investigators

Besides the use of outside counsel in the disciplinary process, the JQC also contracts with one outside investigator to handle all of the investigative work on JQC cases. This investigator is located in Tampa, Florida and is paid \$50 per hour.⁵¹ For fiscal year 2004-2005 the JQC paid \$22,887.50 in fees to the outside investigator and in FY 2005-2006 the JQC paid \$27,174.50 to this same investigator.

From the financial records provided by the JQC, it does not appear necessary for the JQC to hire a full time in-house investigator. However, it would be much more efficient and cost-effective if, instead of contracting with one investigator that lives in Tampa, the JQC contracted with several investigators located regionally around the state. In 2005 and 2006, the JQC paid numerous fees to the investigator for travel time and expenses to cities throughout Florida, including Miami, Orlando, Tallahassee, and Jacksonville. If the JQC contracted with an investigator in the city which is closest to where the complainant judge is located, then the fees paid for travel time and expenses would be greatly reduced.

Recommendation 4

Procedural and other Pre-Hearing Motions

One often-heard concern with the JQC has been the length of time between an incident of judicial misconduct and the final imposition of sanctions by the court. The concern is not unique to the JQC. Indeed, court delays in all levels of the judicial system are of concern. It is often said that "justice delayed is justice denied." In the case of a judge where removal is warranted, justice delayed prejudices every litigant appearing before the judge while the case is pending. Where the judge faces re-election, the stigma of a pending case can prejudice the judge and perhaps sway the election. Some judges that have faced JQC proceedings were suspended with pay, collecting thousands of dollars every month in pay and benefits, sometimes for very long periods of time.⁵² The public and the judiciary are best served by expeditious handling of judicial disciplinary cases.

Appendix E details recent cases and the length of time from incident to final disposition. No analysis of the investigation time could be made, as the investigation portion of JQC files are confidential, and thus there is no way to determine the point at which investigations began. The hearing panel averaged 11.4 months from the time formal charges were filed until a recommendation was made to the Supreme Court, the longest being 23 months.

A traditional well-managed court enters scheduling orders, controls discovery, and sets deadlines for trial. The JQC, however, has historically taken a less formal approach to case management. Recently, the JQC has started to implement case management strategies common to the trial courts. Still, it appears that case management and disposition of procedural motions could be improved.

By way of comparison, the Judicial Administration Rules, applicable to the trial and appellate courts, establish presumptively reasonable time periods for completion of cases in the trial and appellate courts.⁵³ By

⁵¹ This rate is at the high end for state-paid private investigators. The Justice Administrative Commission has a suggested range of \$30 to \$50 per hour for investigation services. *Justice Administrative Commission, Policies and Procedures for Court-Appointed Counsel* (rev. 11/01/07), page 33. Accessed at: http://www.justiceadmin.org/court_app_counsel/JAC%20Policies%20Procedures-11-20-07.pdf

⁵² For instance, Judge Charles Cope was suspended for approximately 2 years.

⁵³ Rule 2.065(f) of the Judicial Administration Rules.

comparison, the time standard for hearing and disposition by a referee in a Florida Bar disciplinary action of a lawyer is 180 days.

In reviewing the files and speaking to employees of the JQC, one obvious cause of delay is apparent from the structure and nature of the JQC. The JQC is not a full-time court; members are volunteers and are not paid for their service. They meet every six weeks. In the trial courts, motions are heard by the trial judge and ruled on. At the JQC, motions are sometimes ruled upon by the chair of the panel. However, if either attorney objects to the chair's ruling, the JQC takes the position that the motion must either wait until the next meeting of the panel, or the panel members involved must all find time for a conference call. A savvy defense lawyer could file numerous dilatory motions, knowing that it takes some time to dispose of each.

The JQC as a body has the constitutional right and authority to promulgate rules and decide among its members how best to handle cases. While the Constitution requires a hearing by an investigative panel and then a final public hearing by a hearing panel, the Constitution does not require procedural motions to be voted on by a panel. While not explicit in the Constitution, arguably panels have the inherent right to appoint a member to rule on non-dispositive motions.⁵⁴ One recommendation to consider is that the JQC could formalize its hearing procedures to:

- Look to case management strategies that are typically used in the trial courts as an example of case management strategies that could be implemented by JQC rule.
- Set discovery deadlines and hearing dates early in the process.
- Give a single member of a panel the right and ability to quickly rule on procedural motions without convening the full panel.

A related delay that occurs in judicial discipline cases is Supreme Court review of a hearing panel recommendation. The Supreme Court has one time standard applicable to cases in general that applies equally to judicial discipline cases. Under that standard, the Supreme Court endeavors to issue an opinion within 180 days after oral argument.⁵⁵ Since 1981, only one judicial discipline case exceeded that standard, and the last four judicial discipline case opinions have been issued with remarkable speed, the last opinion was issued the day after oral argument. However, the overall Supreme Court process is slow. In one recent case there was a 30 month delay from JQC hearing to Supreme Court opinion.⁵⁶ The shortest time period in a contested case was 9 months. The average total time for disposition (from filing through opinion) of uncontested cases has been 11.4 months, and for contested cases has been 14.1 months. The Supreme Court could examine its internal processes and policies in order to provide for more expedited review of these important cases.

Recommendation 5

Public Access

Compared to many of the other states, especially states of similar size as Florida, the JQC has a very minimal level of public accessibility. States such as Texas, California, New York, Michigan, Illinois, Massachusetts, Ohio, Pennsylvania, Tennessee, and Virginia all have individual websites that specifically provide information regarding that state's judicial disciplinary commission. These websites include information such as:

⁵⁴ Staff spoke to the current Chair of the JQC, who disagrees with this statement.

⁵⁵ Rule 2.065(f)(2) of the Judicial Administration Rules.

⁵⁶ *Inquiry Concerning a Judge, re: Patricia Kinsey*

- Who the commission members are;
- Where the commission is located;
- How to contact the commission, including address and telephone number;
- A detailed explanation of the complaint process;
- How to file a complaint;
- A link to specific complaint form that details exactly the information required when filing a complaint;
- The commission rules and constitutional authority;
- Cases summaries and online dockets;
- Historical and statistical information; and
- Who the individual staff members are and their contact information.

The only information that the JQC provides on the Internet is online access to individual court dockets of judges against whom a formal complaint has been filed, answers to some frequently asked questions, and the physical address of the JQC office. The website is also buried within the Florida Supreme Court's website and does not have direct access through the site's homepage.

By at least providing easier access to the public via the Internet and providing an online complaint form, the JQC would provide better public access and enable more sufficient complaints to be filed. In addition, this would allow the public to be better educated as to what is within the jurisdiction of the JQC, what types of complaints the JQC is able to hear, and how the process works. By better educating the public and providing a standardized complaint form, the JQC might receive fewer complaints that deal with issues and subjects outside the scope of the JQC. For example, the JQC might have fewer complaints that pertain to a judge's ruling that the JQC has to take the time to sift through and discard if the public had more access to information regarding the scope and nature of the JQC.

Recommendation 6 Annual Report

Currently, the JQC does not publish any form of report on their activities. The Legislature could, by general law, require the JQC publish an annual report providing information and statistics regarding their cases and workload from the previous year. By providing an annual report, the JQC would allow the Legislature to more effectively evaluate their workload and budgetary needs. Many other states publish annual reports that provide information pertaining to their state's judicial disciplinary system.⁵⁷ Information that would be useful in an annual report and is included in most of the other state's annual reports includes:

- An overview of what the JQC is, including its statutory and constitutional authority, rules, jurisdiction, and a list of the members and staff of the JQC;
- A summary of the complaint process;
- Statistical analysis to further illustrate the activities of the JQC, including:
 - Number of complaints filed;
 - Number of formal charges filed;
 - Amount of time it took from complaint being filed to formal charges being filed;
 - Number of cases disposed;
 - Age of each case disposed;
 - Result of each case disposed;

⁵⁷ Of the 15 states with similar populations researched in preparing this report the following publish an annual report: California, New York, Texas, Alabama, Illinois, Louisiana, Massachusetts, Ohio, Pennsylvania, and Tennessee. Florida is the largest state that does not provide an annual report.

- Breakdown of disciplinary actions ordered in each disposed case;
 - Number of cases appealed to Supreme Court and whether JQC recommendation was followed; and
 - Number and percentage of complaints filed by judge type and whether judge was elected or appointed.
- Case summary of each case disposed of where formal charges were filed, and the final result; and
 - Statistical breakdown of the JQC's budget and how allocations were expended.

Recommendation 7 Separate Fiscal Entity

Constitutionally, the JQC is an entity that falls under the Judicial Branch but is independent and not subject to the control of the judiciary. Currently, the JQC is not treated as an independent entity. The court develops and submits the budget; approved invoices are submitted to the State Courts System for payment; and employees of the JQC are on the judicial pay plan and must appear at the office of the State Court Administrator when hired in order to begin payroll processing. No employee of the JQC is currently capable of accessing FLAIR. JQC staff believes that the JQC should be a totally separate budget entity.

The constitutional argument is sound. However, while the current arrangement is somewhat cumbersome, there does not appear to be a significant issue that mandates immediate action. The Legislature may wish to consider amending chapter 216, F.S., to specify that the JQC is a separate budget entity.

Recommendation 8 Constitutional Amendment

As discussed in Recommendation 4 above, the JQC could, by rule, delegate the responsibility for decisions on procedural motions to a member of a panel. The current practice of requiring the full panel to meet and decide every motion inherently leads to delays. In the few cases where removal is warranted, any unwarranted delay either harms the state coffers (a judge is being paid while suspended) or harms the litigant who appears before the judge during the pending case (where the judge is not suspended). Where dismissal of the case is warranted, delay harms the reputation of the judge and can harm him or her at the polls should the judge's term in office expire while the case is pending. If the Legislature wishes to expedite JQC matters, there are several possible alternatives, including:

- Mandatory Constitutional deadlines for hearing.
- Require the JQC to internally appoint a member of a hearing panel to act as an administrative judge to that panel.
- Require the JQC to appoint a retired trial court judge as administrative judge in every case as it is assigned to a hearing panel.
- Require the JQC to employ an administrative judge for all cases.

Appendix A
Selected portions of the Florida Constitution

**CONSTITUTION
OF THE
STATE OF FLORIDA
AS REVISED IN 1968 AND SUBSEQUENTLY AMENDED**

. . .

**ARTICLE V
JUDICIARY**

. . .

SECTION 12. Discipline; removal and retirement.--

(a) JUDICIAL QUALIFICATIONS COMMISSION.--A judicial qualifications commission is created.

(1) There shall be a judicial qualifications commission vested with jurisdiction to investigate and recommend to the Supreme Court of Florida the removal from office of any justice or judge whose conduct, during term of office or otherwise occurring on or after November 1, 1966, (without regard to the effective date of this section) demonstrates a present unfitness to hold office, and to investigate and recommend the discipline of a justice or judge whose conduct, during term of office or otherwise occurring on or after November 1, 1966 (without regard to the effective date of this section), warrants such discipline. For purposes of this section, discipline is defined as any or all of the following: reprimand, fine, suspension with or without pay, or lawyer discipline. The commission shall have jurisdiction over justices and judges regarding allegations that misconduct occurred before or during service as a justice or judge if a complaint is made no later than one year following service as a justice or judge. The commission shall have jurisdiction regarding allegations of incapacity during service as a justice or judge. The commission shall be composed of:

- a. Two judges of district courts of appeal selected by the judges of those courts, two circuit judges selected by the judges of the circuit courts and two judges of county courts selected by the judges of those courts;
- b. Four electors who reside in the state, who are members of the bar of Florida, and who shall be chosen by the governing body of the bar of Florida; and
- c. Five electors who reside in the state, who have never held judicial office or been members of the bar of Florida, and who shall be appointed by the governor.

(2) The members of the judicial qualifications commission shall serve staggered terms, not to exceed six years, as prescribed by general law. No member of the commission except a judge shall be eligible for state judicial office while acting as a member of the commission and for a period of two years thereafter. No member of the commission shall hold office in a political party or participate in any campaign for judicial office or hold public office; provided that a judge may campaign for judicial office and hold that office. The commission shall elect one of its members as its chairperson.

(3) Members of the judicial qualifications commission not subject to impeachment shall be subject to removal from the commission pursuant to the provisions of Article IV, Section 7, Florida Constitution.

(4) The commission shall adopt rules regulating its proceedings, the filling of vacancies by the appointing authorities, the disqualification of members, the rotation of members between the panels, and the temporary replacement of disqualified or incapacitated members. The commission's rules, or any part thereof, may be repealed by general law enacted by a majority vote of the membership of each house of the legislature, or by the supreme court, five justices concurring. The commission shall have power to issue subpoenas. Until formal charges against a justice or judge are filed by the investigative panel with the clerk of the supreme court of Florida all proceedings by or before the commission shall be confidential; provided, however, upon a finding of probable cause and the filing by the investigative panel with said clerk of such formal charges against a justice or judge such charges and all further proceedings before the commission shall be public.

(5) The commission shall have access to all information from all executive, legislative and judicial agencies, including grand juries, subject to the rules of the commission. At any time, on request of the speaker of the house of representatives or the governor, the commission shall make available all information in the possession of the commission for use in consideration of impeachment or suspension, respectively.

(b) PANELS.--The commission shall be divided into an investigative panel and a hearing panel as established by rule of the commission. The investigative panel is vested with the jurisdiction to receive or initiate complaints, conduct investigations, dismiss complaints, and upon a vote of a simple majority of the panel submit formal charges to the hearing panel. The hearing panel is vested with the authority to receive and hear formal charges from the investigative panel and upon a two-thirds vote of the panel recommend to the supreme court the removal of a justice or judge or the involuntary retirement of a justice or judge for any permanent disability that seriously interferes with the performance of judicial duties. Upon a simple majority vote of the membership of the hearing panel, the panel may recommend to the supreme court that the justice or judge be subject to appropriate discipline.

(c) SUPREME COURT.--The supreme court shall receive recommendations from the judicial qualifications commission's hearing panel.

(1) The supreme court may accept, reject, or modify in whole or in part the findings, conclusions, and recommendations of the commission and it may order that the justice or judge be subjected to appropriate discipline, or be removed from office with termination of compensation for willful or persistent failure to perform judicial duties or for other conduct unbecoming a member of the judiciary demonstrating a present unfitness to hold office, or be involuntarily retired for any permanent disability that seriously interferes with the performance of judicial duties. Malafides, scienter or moral turpitude on the part of a justice or judge shall not be required for removal from office of a justice or judge whose conduct demonstrates a present unfitness to hold office. After the filing of a formal proceeding and upon request of the investigative panel, the supreme court may suspend the justice or judge from office, with or without compensation, pending final determination of the inquiry.

(2) The supreme court may award costs to the prevailing party.

(d) The power of removal conferred by this section shall be both alternative and cumulative to the power of impeachment.

(e) Notwithstanding any of the foregoing provisions of this section, if the person who is the subject of proceedings by the judicial qualifications commission is a justice of the supreme court of Florida all justices of such court automatically shall be disqualified to sit as justices of such court with respect to all proceedings therein concerning such person and the supreme court for such purposes shall be composed of a panel consisting of the seven chief judges of the judicial circuits of the state of Florida most senior in tenure of judicial office as circuit judge. For purposes of determining seniority of such circuit judges in the event there be

judges of equal tenure in judicial office as circuit judge the judge or judges from the lower numbered circuit or circuits shall be deemed senior. In the event any such chief circuit judge is under investigation by the judicial qualifications commission or is otherwise disqualified or unable to serve on the panel, the next most senior chief circuit judge or judges shall serve in place of such disqualified or disabled chief circuit judge.

(f) SCHEDULE TO SECTION 12.--

(1) Except to the extent inconsistent with the provisions of this section, all provisions of law and rules of court in force on the effective date of this article shall continue in effect until superseded in the manner authorized by the constitution.

(2) After this section becomes effective and until adopted by rule of the commission consistent with it:

a. The commission shall be divided, as determined by the chairperson, into one investigative panel and one hearing panel to meet the responsibilities set forth in this section.

b. The investigative panel shall be composed of:

1. Four judges,
2. Two members of the bar of Florida, and
3. Three non-lawyers.

c. The hearing panel shall be composed of:

1. Two judges,
2. Two members of the bar of Florida, and
3. Two non-lawyers.

d. Membership on the panels may rotate in a manner determined by the rules of the commission provided that no member shall vote as a member of the investigative and hearing panel on the same proceeding.

e. The commission shall hire separate staff for each panel.

f. The members of the commission shall serve for staggered terms of six years.

g. The terms of office of the present members of the judicial qualifications commission shall expire upon the effective date of the amendments to this section approved by the legislature during the regular session of the legislature in 1996 and new members shall be appointed to serve the following staggered terms:

1. Group I.--The terms of five members, composed of two electors as set forth in s. 12(a)(1)c. of Article V, one member of the bar of Florida as set forth in s. 12(a)(1)b. of Article V, one judge from the district courts of appeal and one circuit judge as set forth in s. 12(a)(1)a. of Article V, shall expire on December 31, 1998.

2. Group II.--The terms of five members, composed of one elector as set forth in s. 12(a)(1)c. of Article V, two members of the bar of Florida as set forth in s. 12(a)(1)b. of Article V, one circuit judge and one county judge as set forth in s. 12(a)(1)a. of Article V shall expire on December 31, 2000.

3. Group III.--The terms of five members, composed of two electors as set forth in s. 12(a)(1)c. of Article V, one member of the bar of Florida as set forth in s. 12(a)(1)b., one judge from the district courts of appeal and one county judge as set forth in s. 12(a)(1)a. of Article V, shall expire on December 31, 2002.

h. An appointment to fill a vacancy of the commission shall be for the remainder of the term.

i. Selection of members by district courts of appeal judges, circuit judges, and county court judges, shall be by no less than a majority of the members voting at the respective courts' conferences. Selection of members by the board of governors of the bar of Florida shall be by no less than a majority of the board.

j. The commission shall be entitled to recover the costs of investigation and prosecution, in addition to any penalty levied by the supreme court.

k. The compensation of members and referees shall be the travel expenses or transportation and per diem allowance as provided by general law.

History.--S.J.R. 52-D, 1971; adopted 1972; Am. H.J.R. 3911, 1974; adopted 1974; Am. H.J.R. 1709, 1975; adopted 1976; Am. C.S. for S.J.R. 978, 1996; adopted 1996; Am. proposed by Constitution Revision Commission, Revision No. 7, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

Appendix B
Selected Florida Statutes

CHAPTER 43
COURTS: GENERAL PROVISIONS

43.20 Judicial Qualifications Commission.--

(1) **PURPOSE.**--The purpose of this section is to implement s. 12(b), Art. V of the State Constitution which provides for a Judicial Qualifications Commission.

(2) **MEMBERSHIP; TERMS.**--The commission shall consist of 13 members. The members of the commission shall serve for terms of 6 years.

(3) **VACANCIES.**--An appointment to fill a vacancy shall be for the remainder of the term.

(4) **SELECTION OF MEMBERS BY DISTRICT COURTS OF APPEAL JUDGES, CIRCUIT COURT JUDGES, COUNTY COURT JUDGES AND BOARD OF GOVERNORS OF THE FLORIDA BAR.**--The members appointed by the judges of the district courts of appeal, the circuit judges, the county court judges, and the Board of Governors of The Florida Bar shall be selected by not less than a majority of the membership of the respective appointing groups.

(5) **EXPENSES.**--The compensation of members and referees shall be the travel expense or transportation and per diem allowance provided by s. 112.061.

History.--ss. 1, 2, 3, 4, ch. 67-163; s. 1, ch. 73-306; s. 34, ch. 81-259.

Appendix C
Judicial Discipline Budgets in Other States

Judicial Disciplinary Budgets Selected States⁵⁸				
	Annual Budget (FY 2006)	Number of Judges⁵⁹	Population	Number of Complaints (FY 2005)
California	\$4,378,000	2,070 ⁶⁰	36,457,549	1019 ⁶¹
Texas	\$829,881	3,638 ⁶²	23,507,783	1,045 ⁶³
New York	\$2,609,000	3,520 ⁶⁴	19,306,183	1565 ⁶⁵
Illinois⁶⁶	\$688,000	958	12,831,970	455
Pennsylvania	\$1,202,000	1,226	12,440,621	597
Ohio	\$2,211,317 ⁶⁷	1,052	11,478,006	3,407 ⁶⁸
Michigan	\$1,049,500	1,044	10,095,643	1,018
New Jersey		807	8,724,560	
Virginia	\$518,951	419	7,642,884	419
Massachusetts	\$478,153	396	6,437,193	129 ⁶⁹
Georgia		1,114	9,363,941	
Alabama	\$339,773 ⁷⁰	505	4,599,030	861 ⁷¹
Louisiana		1233	4,287,768	486 ⁷²
Tennessee	\$320,000	632	6,038,803	353
North Carolina	\$128,545 ⁷³	370	8,682,066	
Florida	\$1,014,828	990	18,089,888	500

⁵⁸ The states selected are neighboring southern states and the other states with large populations.

⁵⁹ This figure consists of the total number of all judges and other judicial officers under the jurisdiction of each state's disciplinary body.

⁶⁰ Commission on Judicial Performance website- 2006 statistics. This number includes 1,610 judgeships and 460 commissioners and referees under the commission's jurisdiction.

⁶¹ Commission on Judicial Performance website- 2006 statistics.

⁶² 2006 Annual Report, pg. 19

⁶³ 2006 Annual Report, pg. 21- This number represents only those complaints that identify a judge over whom the Commission has jurisdiction. The Texas Commission does not report the total number of complaints that they receive every fiscal year.

⁶⁴ 2006 Annual Report, pg 4-7. This number includes 2,300 part time village and town justices.

⁶⁵ 2006 Annual report, pg 1. This number reflects the total number complaints received and processed. Preliminary inquiries were conducted in 366 of these, and 240 were investigated.

⁶⁶ The latest information that Illinois could provide was for FY 2004.

⁶⁷ This amount represents the 2006 appropriation for the Office of Judicial Counsel, which investigates both attorneys and judges. In Ohio, people can file complaints at the state level to the Office of Judicial Counsel, or at the local level by filing complaints with the local county bar association. These complaints are investigated and then sent to the Board of Commissioners on Grievances and Discipline if the complaint is found to be justified. The Board of Commissioners on Grievances and Discipline receives \$887,364 in operation expenses, and also receives \$1,600,000 to reimburse expenses incurred by the local bar associations for handling complaints.

⁶⁸ The Ohio Office of Disciplinary Counsel receives complaints against judges and attorneys. In 2006, the number of complaints against judges was 566.

⁶⁹ Massachusetts only keeps track of those complaints that they receive and fall within their jurisdiction and are "docketed", not all complaints received.

⁷⁰ This amount is for FY 2005.

⁷¹ 171 of these were verified complaints.

⁷² This number represents the complaints received and docketed for FY 2005, which is the latest year with available records.

⁷³ This amount represents the actual expenditure by the Judicial Standards Commission for FY 2005-06

Appendix D
JQC Recent Budget Allocations

JQC Budget in GAA⁷⁴					
	FY 03-04	FY 04-05	FY 05-06	FY 06-07	FY 07-08
FTE's	3	3	3	5	5
Salaries and Benefits	\$206,125	\$214,133	\$216,333	\$386,034	\$404,301
OPS	\$224,522	\$224,522	\$224,522	\$224,522	
Expenses	\$151,735	\$151,735	\$151,735	\$171,227	\$161,344
OCO	\$1,706	\$1,706	\$1,706	\$5,906	\$1,706
Risk Management	\$5,253	\$4,760	\$2,114	\$2,585	\$12,351
Contracted Services					\$203,628 ⁷⁵
Litigation Expenses	\$223,300 ⁷⁶	\$223,300 ⁷⁷	\$223,300 ⁷⁸	\$223,300 ⁷⁹	\$197,806 ⁸⁰
Human Resources				\$1,254	\$1,263
Total Appropriation	\$808,824	\$820,156	\$819,710	\$1,014,828	\$982,399 ⁸¹
for outside contractors ⁸²	\$447,822	\$447,822	\$447,822	\$447,822	\$401,236

⁷⁴ All JQC funding is General Revenue. Figures for FY 2007-2008 are net after the reductions of Special Session D.

⁷⁵ The original appropriation was \$229,122. Special Session D lowered the appropriation by \$25,494.

⁷⁶ *Proviso*: "Funds in Specific Appropriation 3012A are to be used only for case expenditures associated with the filing and prosecution of formal charges. These costs shall consist of attorneys fees, court reporting fees, investigators fees, and similar charges associated with the adjudicatory process."

⁷⁷ *Proviso*: "Funds in Specific Appropriation 2968 are to be used only for case expenditures associated with the filing and prosecution of formal charges. These costs shall consist of attorneys fees, court reporting fees, investigators fees, and similar charges associated with the adjudicatory process."

⁷⁸ *Proviso*: "Funds in Specific Appropriation 3028 are to be used only for case expenditures associated with the filing and prosecution of formal charges. These costs shall consist of attorneys fees, court reporting fees, investigators fees, and similar charges associated with the adjudicatory process."

⁷⁹ *Proviso*: "Funds in Specific Appropriation 3284 are to be used only for case expenditures associated with the filing and prosecution of formal charges. These costs shall consist of attorney's fees, court reporting fees, investigators' fees, and similar charges associated with the adjudicatory process."

⁸⁰ The original appropriation was \$223,300. Special Session D lowered the appropriation by \$25,494.

Proviso: "Funds in Specific Appropriation 3384 are to be used only for case expenditures associated with the filing and prosecution of formal charges. These costs shall consist of attorney's fees, court reporting fees, investigators' fees, and similar charges associated with the adjudicatory process."

From the funds in Specific Appropriation 3384, the commission shall report to the Legislature by March 1, 2008, all instances in which formal charges have been filed against a member of the judiciary during calendar year 2007 and shall provide aggregated data regarding instances in which investigations were initiated in calendar year 2007 but formal charges have not been filed; however, the commission shall report the data regarding circuit court judges in the 17th Judicial Circuit by January 1, 2008."

⁸¹ The original appropriation was \$1,033,387. Special Session D lowered the appropriation in the categories of Contracted Services and Litigation Expenses by \$25,494 each, for a total reduction of \$50,988.

⁸² This category includes OPS, Contracted Services, and Litigation Expenses categories.

Appendix E
JQC Disposition Time

Judicial Discipline Disposition Times									
Judge	Incident⁸³	IP Hrg.⁸⁴	Charges Filed	Time⁸⁵	Hearing Panel Hrg.	Time⁸⁶	Sup. Ct. Decision	Time⁸⁷	Type of Disposition
John R. Adams	2004 ⁸⁸	unknown	2/06	-	stipulation 02/06	0	5/06	3	Public reprimand
Richard Albritton, Jr.	9/02	2/05	5/05	3	stipulation 6/06	13	9/06	3	One month suspension, \$5,000 fine
Cheryl Aleman	1/06	7/06	2/07	7	set for 12/07	-	-	-	-
Meryl L. Allawas	unknown	11/03	7/04	8	stipulation 3/05	8	6/05	3	Public reprimand
Michael Allen	6/06	unknown	5/07	-	set for 3/08	-	-	-	-
Robert L. Andrews	9/02	9/03	12/03	3	stipulation 12/03	0	5/04	5	Public reprimand
Carven D. Angel	6/02	4/03	5/03	1	stipulation 8/03	3	2/04	6	Public reprimand
Joseph P. Baker	2000	11/00	12/00	1	4/01	4	2/02	10	admonishment
Cliff Barnes	unknown	unknown	10/06	-	not set	-	-	-	-
Howard C. Berman	1994	11/00	11/00	0	9/01	10	2/02	5	Resignation
Robert H. Bonanno	7/00	unknown	9/01	-	resigned ⁸⁹ 12/01	3	1/02	1	Resignation
Charles W. Cope	4/01	10/01	12/01	2	6/02	7	5/03	11	Public reprimand ⁹⁰
Steven deLaroche	6/05	7/06	7/06	0	resigned 3/07	8	3/07	0	Resignation

⁸³ Most cases involve multiple incidents, this date reflects the major offense or, where there is no apparent major offense, the earliest of such incidents.

⁸⁴ This column indicates, where known, when the Investigative Panel met. This chart does not chart investigation time as it is unknown when, in most cases, the incident was brought to the attention of the JQC.

⁸⁵ This is the time in months from the Investigative Panel hearing to the filing of formal charges.

⁸⁶ This is the time in months from the filing of formal charges to the disposition by the Hearing Panel.

⁸⁷ This is the time in months from the filing of disposition by the Hearing Panel to the final disposition (of sanctions, not costs) by the Supreme Court.

⁸⁸ The date of the incident is not in the record, only the year appears.

⁸⁹ The House began an impeachment investigation shortly after the JQC and Judge Bonanno announced a stipulation calling for punishment of a public reprimand. Judge Bonanno resigned under pressure in order to stop the impeachment.

⁹⁰ After the reprimand, the House re-opened its impeachment investigation and Judge Cope resigned under pressure.

Judicial Discipline Disposition Times									
Judge	Incident⁸³	IP Hrg.⁸⁴	Charges Filed	Time⁸⁵	Hearing Panel Hrg.	Time⁸⁶	Sup. Ct. Decision	Time⁸⁷	Type of Disposition
Robert Diaz	1/04	5/04	9/04	4	stipulation 9/04	0	7/05	10	14 day suspension, \$15K fine
Brandt Downey III	2002	9/05	12/05	3	stipulation 5/06	5	7/06	2	Public reprimand ⁹¹
Ralph E. Eriksson	4/06	unknown	9/07	-	not set	-	-	-	-
David M. Gooding	2002	12/03	2/04	2	stipulation 12/04	10	6/05	6	Public reprimand
James C. Hauser	2/05	5/07	6/07	1	resignation 10/07	4	10/07	0	Resignation
James E. Henson	12/00	10/03	1/04	3	10/04	9	10/05	12	Removal
Gregory Holder	5/01	11/01	1/02	2	stipulation 5/02	4	6/02	1	Dismissed ⁹²
Gregory Holder	1/98	7/03	7/03	0	6/05	23	12/06	18	Dismissal, not guilty finding
Cynthia Holloway	7/99	10/00	10/00	0	10/01	12	11/02	13	30 day suspension
Joyce A. Julian	11/01	2/02	2/02	0	dismissed 1/03	11	4/03	3	Dismissed ⁹³
Scott A. Kenney	4/99	6/01	7/01	1	stipulation 7/02	12	9/02	2	Dismissed ⁹⁴
Patricia Kinsey	1998	unknown	9/99	-	6/00	9	1/03	30	Reprimand and \$50K fine
Dennis P. Maloney	1/03	9/03	1/04	4	stipulation 11/04	10	12/05	13	Public reprimand
Matthew McMillan	1998	unknown	6/99	-	10/00	16	8/01	10	Removal
Terri-Ann Miller	2006	unknown	10/07	-	not set	-	-	-	-
Ana Marie Pando	2000	2/04	4/04	2	stipulation 8/04	4	5/05	9	Reprimand and \$25K fine
John Renke III	2002	unknown	10/03	-	9/05	23	5/06	8	Removal
Rosa Rodriguez	6/98	unknown	2/01	-	stipulation 3/02	13	10/02	7	Reprimand, \$40K fine, 4 month susp.
Sheldon Schapiro	varied	3/01	11/01	8	stipulation 11/02	12	4/03	5	Reprimand, therapy

⁹¹ Judge Downey was near the end of a term, and promised not to seek re-election.

⁹² Dismissal was conditioned upon the judge apologizing.

⁹³ This JQC case was dismissed after Judge Julian failed to win re-election.

⁹⁴ Dismissal was conditioned upon the judge entering an alcohol treatment program.

Judicial Discipline Disposition Times									
Judge	Incident⁸³	IP Hrg.⁸⁴	Charges Filed	Time⁸⁵	Hearing Panel Hrg.	Time⁸⁶	Sup. Ct. Decision	Time⁸⁷	Type of Disposition
John Sloop	3/04	3/05	4/05	1	3/06	11	12/06	9	Removal
Alan C. Todd	1/04	5/04	8/04	3	10/05	14	4/07	18	Resignation 1/06
Wayne Woodard	4/04	5/05	8/05	3	stipulation 8/05	0	1/06	5	Reprimand, counseling
Statistics									
Average time in months for disposition by Hearing Panel of the JQC - Stipulation						6.3			
Average time in months for disposition by Hearing Panel of the JQC - Contested ⁹⁵						11.4			
Average time in months for the Supreme Court to rule on a stipulated settlement of a JQC case								5.4	
Average time in months for the Supreme Court from initial filing to time of disposition on a contested JQC case ⁹⁶								14.1	

⁹⁵ Contested cases where the judge resigned under pressure are not included.

⁹⁶ Contested cases where the judge resigned under pressure are not included. The Supreme Court does not have a time standard for briefing and setting the case for oral argument, but does have a time standard (no more than 6 months) for the issuance of a final decision after the oral argument. Since 1981, the court has only exceeded its time standard once; and in one case decided in 2006 the opinion was issued the day after oral argument.